

REMARKS

I. Status of the Application

Claims 1-37 are presently pending in the application. Applicant gratefully acknowledges that claims 13, 14 and 25-28 have been allowed. Claims 1-12, 15-24 and 29-37 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn et al., 4,655,777.

Applicant thanks the Examiner for discussing the pending claims with Applicant's agent on January 31, 2005. In accordance with the Examiner's request, the substance of the discussion is set forth below. Applicant's agent and the Examiner discussed that the claimed invention is directed to fibers sintered together to form a scaffold material, and that sintering is used to attach the fibers together. In contrast, Dunn et al. teaches the use of a polymer, not sintering, to bind their fibers together. Although Dunn et al. teaches sintering of ceramic fibers, it is in the context of preparing individual fibers for later use, not to attach them together to form a scaffold material (column 6, lines 60-65). That the fibers are not sintered such that they are attached together is evidenced by the fact that Dunn et al. tests the breaking strength of individual fibers after sintering (column 6, lines 66-67 and column 7, lines 1-3).

II. Claims 1-12, 15-24 and 29-37 Are Patentable Over Dunn et al.

Claims 1-12, 15-24 and 29-37 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn et al., U.S. Patent No. 4,655,777. The Examiner is of the opinion that the Dunn reference discloses fibers that include ceramic powders and a biodegradable glass. The Examiner asserts that the Dunn reference teaches ceramic fibers that are sintered together. The

Examiner concludes that the Dunn reference reads on the limitations of the instant claims. Applicant respectfully traverses these rejections.

Applicant's claims are directed to sintered scaffold materials and sintered glass scaffolds wherein glass or ceramic fibers are *sintered together* to form the sintered scaffold. The result of sintering fibers together is that an openly porous scaffold is formed.

Dunn et al. neither teaches nor suggests the claimed sintered scaffold material. Dunn et al. sinters their ceramic fibers "to achieve coalescence and densification of the ceramic particles" in the fibers (column 5, lines 25-29), not to sinter them together, as required by the claimed invention. Nowhere does Dunn et al. teach or suggest sintering their fibers together to form a matrix. Instead, Dunn et al. teaches: (1) mixing their fibers with molten polymer; (2) mixing their fibers with polymer and allowing solvent to evaporate; and (3) coating their fibers with polymer by dipping or spraying (column 11, lines 1-17). Thus, Dunn et al. fails to teach each and every element of the claimed invention.

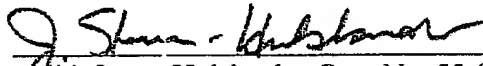
Accordingly, Dunn et al. fails to render the claimed invention obvious. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-12, 15-24 and 29-37 under 35 U.S.C. §103(a).

III. CONCLUSION

Having addressed all outstanding issues, Applicant respectfully requests entry and consideration of the foregoing amendments and reconsideration and allowance of the case. To the extent the Examiner believes that it would facilitate allowance of the case, the Examiner is requested to telephone the undersigned at the number below.

Respectfully submitted,

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